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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/195,005 11/18/98 WILLING

B MO-4861-HE-1

PM82/0831

EXAMINER

PATENT DEPARTMENT
BAYER CORPORATION
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VALENZA, J
ART UNIT PAPER NUMBER

3651

17

DATE MAILED:

08/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

NOTE ATTACHED IDS PAPER # 12

JOSEPH E. VALENZA
PRIMARY EXAMINER



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 18

Application Number: 09/195,005
Filing Date: November 18, 1998
Appellant(s): WILLING, BERND

MAILED

AUG 28 2001

Noland J. Cheung
For Appellant

GROUP 3600

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed August 17, 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

Art Unit: ***

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

Appellant's brief presents arguments relating to the objection to the drawings under 37CFR 1.83(a). This issue relates to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP §§ 1002 and 1201.

(7) Grouping of Claims

The rejection of claims 1-3 and 6 stand or fall together because appellant's brief does include a statement that this grouping of claims stand or fall together.

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Art Unit: ***

No prior art is relied upon by the examiner in the rejection of the claims under appeal.

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 6 are rejected under 35 U.S.C. 112, first paragraph for lacking an enabling disclosure. In order for the system to operate as claimed the following features need to be disclosed such that one can make and use:

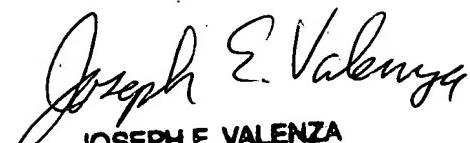
- 1) Structurally, how the system knows when to operate switches 27, 37 to timely divert the selected rollers 8a, 8b of the selected wagon.
- 2) Structurally, how does switch 37, 37' know when there is an opening to supply a wagon into?
- 3) Structurally, how is the wagon inserted as claimed by claim 3 via pushing by the following wagon if the insertion guide has a high speed drive which would slam the inserted wagon into the back of the preceding wagon as discussed in page 4 lines 24-30?
- 4) Structurally, what is the design of the load -dependent high speed drive on the insertion track discussed in page 4 lines 24-30 and required use in claims 1-3 and 6?

(11) *Response to Argument*

As appellant has not provided any of the missing design details to enable one to make and use the claimed device, no further comments are necessary. For the above reasons, it is believed that the rejections should be sustained.

Art Unit: ***

Respectfully submitted,



JOSEPH E. VALENZA
PRIMARY EXAMINER

JEV
August 29, 2001

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